



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Liming Tsau

Application No.: 10/750,834

Filed: January 5, 2004

For: **High Density Metal Capacitor
Using Via Etch Stopping Layer as
Field Dielectric in Dual-
Damascence Interconnect Process**

Confirmation No.: 2507

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 1875.0230001

Petition to Preserve Original Filing Date

Attn: Mail Stop Petitions

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to preserve the original filing date of the above-mentioned patent application. A Notice of Omitted Items in a Non-Provisional Application asserted that FIGS. 16A-19J were missing from the filing of January 5, 2004. However, pursuant to Box 18 of the Utility Patent Application Transmittal dated January 5, 2004, Applicant respectfully requests the Commissioner determine that there were no omitted items. This is because, in relevant part, Box 18 states:

The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied on when a portion has been inadvertently omitted from the submitted application parts.

Therefore, because Applicant inadvertently did not file the above noted papers, which are present in the parent application, the papers should not be considered omitted.

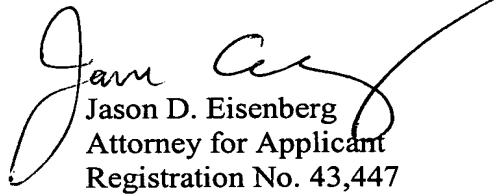
Applicant is submitting concurrently herewith a Letter to PTO Draftsman: Submission of Formal Drawings attaching formal drawings for FIGS. 1-15, 16A-16I, 17A-17I, 18A-18I, and 19A-19I.

This request is accompanied by a processing fee of \$130.00 for the petition, as set forth under 37C.F.R. § 1.17(h). Fee payment is provided in our accompanying PTO-2038 Credit Card Payment Form. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: June 3, 2004

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